

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

NOGEESHIK MICHAEL ISAAC,

v.

KEVIN E. WALSH, ET AL.

Defendants.

**9:03-CV-099
(NAM)(GHL)**

APPEARANCES: OF COUNSEL:

For the Plaintiff:

Office of James R. McGraw
333 East Onondaga Street
Syracuse, NY 13202

James R. McGraw, Esq.

For the Defendants:

Onondaga County Law Department
John H. Mulroy Civic Center
421 Montgomery Street
10th Floor
Syracuse, NY 13202

Kathleen M. Dougherty, Esq.

NORMAN A. MORDUE, U.S. JUDGE

ORDER

This action was placed on the Court's December 21, 2005, Dismissal Calendar pursuant to Local Rule 41.2(a) of the Northern District of New York on the basis that plaintiff appeared not to have diligently prosecuted this action. Plaintiff's counsel filed an affidavit in opposition to dismissal of this action pursuant to Local Rule 41.2, but requests that this action be administratively discontinued without prejudice so that it may be restored to the active calendar and litigated at such time as plaintiff is in the United States and available to participate in the suit.

WHEREFORE, based upon the foregoing, it is hereby
ORDERED, that the Clerk withdraw this action from the Court's dismissal calendar; and
it is further

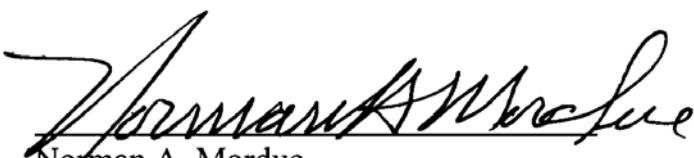
ORDERED, that the Clerk of the Court is instructed to submit a JS-6 (using Statistical
Code 18) to the Administrative Office of the United States Courts.

The parties are advised that nothing contained in this order shall be considered a dismissal
or disposition of the above entitled action, and should further proceedings become necessary or
desirable, any party may reopen the action by advising the Court in writing that the above entitled
action should be reopened.

Upon notification to reopen the action, the parties are directed to request a conference
with Magistrate Judge George H. Lowe so that a new trial scheduling order can be issued.; and it
is further

ORDERED, that the Clerk of the court serve a copy of this order upon the parties and the
plaintiff by regular mail.

Dated: December 21, 2005



Norman A. Mordue
U.S. District Judge